THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

–

WRIT PETITION No.33430 of 1998

Date 26.09.2005

Between:

T. Narayana S/o. Limbaiah
R/o. 3-8-17, Kotagalli, Nizamabad.

..... PETITIONER

AND

1 The Labour Court-II, reptd. by its Presiding Officer.
4th Floor, Chandravihar Bldg;
Nampally Hyderabad-1,
2 The Depot Manager,
A.P.S.R.T.C. Bus Depot, Armoor, Nizamabad District.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No.33430 OF 1998

O R D E R:

The award of the Labour Court-II, Hyderabad in I.D.No.105 of 1992 (Old 567/1987), dated 30.03.1993, is impugned, in this writ petition, by the petitioner/workman to the extent he was denied backwages.

Facts, to the extent necessary for this writ petition, are that the petitioner/Conductor, in the respondent-Corporation was conducting Bus No.5346 on 09.08.1985 and when the bus was operating last down trip, the bus failed at Kaligote. The petitioner is alleged to have intentionally caused failure of the bus and to have abandoned the bus. The petitioner was issued a charge sheet containing the following allegations:

1. For having intentionally failed bus No.APZ-9346 at Kaligote on 09.08.1985 while you were operating the last down trip of 12.30 hours Kaligote service.

2. For having absconded from the bus from 22.40 hours onwards which exhibits your gross negligence towards your duties.

3. For having caused loss of legitimate revenues to the Corporation besides inconvenience to the traveling public by not operating the service even after the relief team rectified the defects.

4. For having made to incurring wasteful expenditure in arranging relief by operating non-revenue kilometers by AAZ-3006 by the relief team.

Pursuant to the explanation submitted by the petitioner denying the allegations, an enquiry was ordered and on the petitioner being held guilty of the charges, a show-cause notice proposing punishment was issued to him and on receipt of his explanation thereto, the second respondent imposed the punishment of removal from service. Aggrieved thereby, the petitioner filed an application before the Labour Court. The Labour Court, by order dated

20.09.1988, held the domestic enquiry conducted by the second respondent to be invalid and posted the matter for his evidence. Three witnesses were examined on behalf of the second respondent, i.e., M.W.1 to M.W.3 and the petitioner examined himself as W.W.1. The Labour Court, by order dated 30.03.1993, held that the charges levelled against the petitioner were not proved and that the order of removal was not justified. The Labour Court held that since the first charge had not been proved, the other charges automatically fail, as they arise out of the first charge. The Labour Court, having held that the charges levelled against the petitioner were not proved, directed reinstatement of the petitioner in service without break in service but denied him back wages. Aggrieved thereby, the petitioner/workman has approached this Court.

Once the charges are held not proved, reinstatement with full back wages is the norm and denial thereof an exception. The Labour Court, has necessarily, to assign reasons in justification of its decision to deny back wages, in cases, where charges have been held as not having been proved. The award of the Labour Court does not contain any reasons for denial of back wages to the petitioner/workman. The impugned award is set aside to the extent the petitioner has been denied back wages. There shall be a consequential direction to the second respondent to pay back wages to the petitioner.

The writ petition is accordingly allowed. No order as to costs.

26.09.2005

usd